

case where the crime charged is rape, adultery, bigamy, incest, or any crime committed by one against the person or property of the other or of a child of either, or in any criminal prosecution against the husband for wife or child abandonment. So the current law says that we have these privileges in the two areas but in certain types of things we are not going to allow the privilege. Okay, what Senator Peterson and myself are proposing to do today is that we are going to change these areas where the privilege may not be claimed, and we are going to expand that area so that you cannot claim these privileges where any crime of violence has been committed, and that, of course, would include murder. We delete rape because that is included under our new language, crime of violence, and it would include robbery. It would include assault. It would include any crime of violence. And then we leave in the current law all of the language having to do with crimes committed one spouse against the other or one spouse against a child of the couple. So the sum and substance of this approach is that we are giving a little more balance to the enforcement of the criminal law and we are taking a little bit of sanctity, if you want to put it that way, away from the marital relationship. Fifteen states have taken a much more radical approach than we have to this problem and have eliminated altogether...seventeen states have eliminated altogether the marital privilege. But what we are saying is that protecting the marriage is important to us to a certain extent but it is not so important to us that murderers, robbers, people who commit violent sexual assault, are ever going to have the opportunity to get away with doing that because it will not be possible for someone who could testify...a spouse, to testify against them. So I think it is a conservative approach. It is an approach that is approved by the Supreme Court and by the County Attorneys Association. I don't know if the Bar Association has taken a position on it or not, but I think...but I believe it to have a basic consensus in the legal community and I think it makes sense from a public policy point of view. So I would ask you to adopt the committee amendment and also the bill.

SPEAKER NICHOL: Senator Howard Peterson.